

REMARKS

Claims 1-12 are pending in the application, claims 1-12 stand rejected. No claims have been added, canceled, or amended. Accordingly, claims 1-12 are now pending in the case.

Claims 1, 3, 5, 6, 10 and 11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Glassman (U.S. 4,758,240) Applicants respectfully traverse.

The present invention is directed to a sanitary napkin for use by a woman for feminine hygiene and adapted to be worn in an undergarment and comprises, inter alia, a main body portion having first and second longitudinal edges opposite each other defining a width dimension, a central longitudinal axis parallel to the longitudinal edges, first and second transverse edges opposite each other defining a length dimension, a central region having first and second distal ends opposite each other defining a length that is sufficient to cover the woman's labia majora in use; a first end region, extending from the first distal end of the central region to the first transverse edge and being adapted to cover at least a portion of the woman's mons pubis in use; a second end region, extending from the second distal end of the central region to the second transverse edge and being adapted to cover at least a portion of the woman's posterior perineum in use; and at least two longitudinally extending hinges located substantially within the center region adjacent each longitudinal edge between the central longitudinal axis and the first and second longitudinal edges, respectively, each hinge adapted to provide a longitudinally extending preferential bending axis, said hinges being spaced apart along at least a portion of their length, wherein at least one hinge has a radius of curvature and an adjacent hinge is substantially straight.

It is the position of the Patent Office that the Glassman reference discloses all of the above expedients. It is respectfully submitted that this position is incorrect. Initially, it should be noted that for consistency in interpreting the above expedients that the structural elements in Glassman be defined in a manner consistent with similar structural elements in Applicant's present pending application. Thus, when Applicant has pointed out that the

longitudinally extending hinges in Glassman terminate at the longitudinal edges of the pad, the longitudinal edges are not the transverse ends, as interpreted by the Patent Office, but the longitudinally extending lateral sides of the napkin. Clearly, the embodiments shown in Figures 2, 5, 7 and 12, i.e. those embodiments that have an embossed channel with a radius of curvature, have embossments that extend to the longitudinal edges (the longitudinally extending lateral sides). This is clearly contrary to the express claim limitations of the present pending claims and thus, Glassman cannot be considered to anticipate the claims on this basis alone.

Furthermore, as previously discussed, Glassman teaches a menstrual pad or incontinent pad having a multitude of relatively deep spaced apart channels which are disclosed as increasing the lateral compressibility of the marginal surfaces of the pad. As shown in the Figures, the channels are not confined to a center region of the pad as defined in Applicant's present pending claims, but instead extend into the transverse end regions of the pad. The Patent Office alleges that a "substantial part of the hinges are located within the center region, therefore...Glassman does disclose this limitation." This position ignores Applicants' express definitions of center region, first end region and second end region and requirement that the two longitudinally extending hinges be located substantially within the center region. It is irrelevant that a substantial part of the hinges are located in the center region. What is relevant is that the hinges are not confined to this region! Clearly the channels in Glassman extend into the transverse end regions of the disclosed sanitary pads, and thus Glassman cannot be considered to anticipate the claimed invention on the basis of this expedient.

In addition to the foregoing, Applicants respectfully submit that Glassman fails to disclose the expedient of forming hinges as alleged by the Patent Office. To the contrary, Glassman teaches forming grooves or spot depressions that are adapted to provide lateral compression of the pad and do not permit "down-folding of the napkin" (see column 5, lines 28 to 31). Since the grooves provide only lateral compression and do not permit down-folding of the napkin, it is respectfully submitted that the grooves are not hinges as contemplated by Applicants' present claimed invention. The Patent Office alleges that Figure

8 shows that the grooves "allow the sides to fold upwards." Applicants have carefully reviewed Figure 8 and respectfully disagree with this position. Glassman specifically discloses, at column 4, lines 35-39 that Figures 7-8 illustrate that when the sanitary pad is in its in use position that both lateral sides are compressed towards the center. There are significant structural differences between the hinges in Applicant's claimed invention and the channels in Glassman as noted above. Since Glassman forms channels in a sanitary napkin in a different arrangement than the hinges in Applicant's claimed invention, it is respectfully submitted that there is no evidence that they would perform in the same manner as the hinges in the present invention. There is no disclosure, nor does the Figure itself show the sides pivoting upward at a hinge as alleged by the Patent Office. Should the Patent Office persist with its present position, Applicants respectfully request support for its position that Figure 8 shows the sides folding upward in use. In the absence of such support, the present rejection should be withdrawn.

Claims 2, 4, 7, and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Glassman. Applicants respectfully traverse for the reasons of record and further in view of the following remarks.

As acknowledged by the Patent Office, Glassman fails to disclose or suggest a straight hinge being towards the outside of the napkin and the curved hinge being towards the inside of the napkin but nevertheless maintains that it would have been obvious to modify Glassman to provide this orientation of hinges. This position is completely unsupported by the art of record and accordingly the present rejection is improper. As noted above, the grooves in the Glassman patent are not intended to act as hinges but instead provide lateral compression to the pad. Further in this regard, Glassman requires the curved grooves to terminate at the longitudinal sides of the pad. As noted above, the Patent Office has misconstrued the terminology "longitudinal sides." The longitudinal sides are not the transverse ends as defined in Applicant's specification, rather they are the longitudinally extending lateral sides referred to in Glassman. When properly interpreted, it is clear that the channels in Glassman, more particularly, the channels having a radius of curvature extend to the longitudinal side edges of the napkin. Modifying the orientation of the hinges as suggested by the Patent

Office would not permit the curved grooves to terminate at the longitudinal sides and would accordingly negatively affect their ability to provide lateral compression. This would in effect render the invention inoperable for its intended purpose which is of course contrary to established principles of patent law. It is the position of the Patent Office that modifying the grooves in Glassman such that the grooves would not terminate at the longitudinal edges would in no way affect how these grooves would operate in use. That is, the Patent Office suggests that the grooves should be formed in a manner contrary to the express teaching in Glassman, and that this modification would have no effect on the lateral compressibility of the sanitary napkin. Applicants respectfully request support for the present position. Glassman requires the grooves to terminate at the longitudinal side edges. It must be presumed that this express teaching was considered pertinent to the operation of the claimed invention and that a deviation of such teaching may result in a sanitary pad that would not function in the contemplated manner. Should the Patent Office persist with the present rejection, Applicants respectfully request that the Examiner provide some evidence to support its present position. In the absence of such support, the present rejection should be withdrawn.

Claims 8, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Glassman in view of Coles (U.S. 5,672,642). Applicants respectfully traverse.

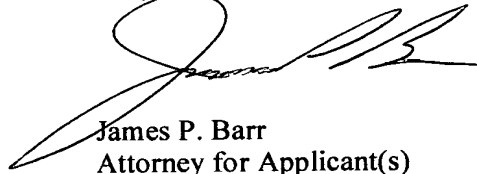
As acknowledged by the Patent Office, Glassman fails to teach or suggest the expedient of providing the sanitary napkin with end channels. However, it is the position of the Patent Office that Cole teaches applying wax to the absorbent core of a sanitary napkin and that the wax would inherently have a higher density than the core material thus forming a hinge in the end region of the napkin. Applicants respectfully disagree with this position. For the above reasons of record, Glassman fails to teach or fairly suggest the present claimed invention. In addition, applicants respectfully submit that the application of wax to an absorbent core as taught by Coles would not inherently create hinges as required by the present pending claims. The Patent Office has asserted that wax is denser than core material. Applicants respectfully challenge this assertion and request support by citation of a reference work that clearly indicates that all waxes inherently possess a density greater than core

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material. In the absence of such evidence, Applicants respectfully request withdrawal of the present rejection.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the present pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James P. Barr', is written over the typed name.

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